



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Report Regarding League of California Cities Communications Pertaining to Assembly Bill 1627 and Senate Bill **1498**

**MEETING DATE:** April **18**, 2012

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Receive report regarding League of California Cities (League) communications pertaining to Assembly Bill 1627 and Senate Bill **1498**.

**BACKGROUND INFORMATION:** The City received a request for communication from the League pertaining to AB 1627 and SB **1498**. A letter of opposition to AB 1627 and letter of support for **SB 1498**, signed by the Mayor, were sent out immediately as the bills were being heard in committee shortly.

With respect to AB 1627, the State Energy Resources Conservation and Development Commission currently prescribes, by regulation, building design and construction standards and energy and water conservation design standards for new residential and nonresidential buildings. The commission is required to certify an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings. The bill would prohibit a local building department from issuing a building permit for a residential or nonresidential building unless the department confirms that the building plan complies with those standards.

SB **1498** would allow a local agency formation commission to authorize a city or district to provide new or existing services outside its jurisdictional boundaries and outside its sphere of influence to support existing or planned uses involving public or private properties, subject to approval at a noticed public hearing, in which certain determinations are made. The bill would also authorize the commission to delegate to its executive officer the approval of certain requests to authorize a city or district to provide new or extended services outside its jurisdictional boundaries or outside its sphere of influence under specified circumstances.

The above-referenced letters were sent as requested on April 5, 2012 and this report is provided for informational purposes only.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a horizontal line.

Randi Johl  
City Clerk

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APPROVED:

A handwritten signature in black ink, appearing to be "Konradt Bartlam", written over a horizontal line.

Konradt Bartlam, City Manager

## Randi Johl

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**From:** Randi Johl  
**Sent:** Wednesday, April 04, 2012 09:12 AM  
**To:** Randi Johl  
**Subject:** FW: URGENT: LETTERS AND CALLS NEEDED

**Attachments:** AB1585Perez-SampleSupport-PublicSafetyFocus.rtf; AB 1585 FACT SHEET.docx; AB 1627 Sample Oppose Letter.doc; AB 1627 Fact Sheet 032812.docx; AB 1627 Talking Points 032812.docx; SB 1498 Sample Support Letter.doc; SB 1498 Fact Sheet 032712.docx; SB 1498 Talking Points 032712.docx



AB1585Perez-Sampl AB 1585 FACT AB 1627 Sample AB 1627 Fact Sheet AB 1627 Talking SB 1498 Sample SB 1498 Fact Sheet  
eSupport-Publ... iHEET.docx (39 KB. Oppose Letter.d... 032812.docx... Points 032812.... Support Letter.... 032712.docx...



SB 1498 Talking  
Points 032712....

-----Original Message-----

**From:** Stephen R. Qualls [mailto:squalls@cacities.org]  
**Sent:** Wed 3/28/2012 5:01 PM  
**To:** Rod Butler (rbutler@ci.patterson.ca.us); Bryan Whitemyer; Sheila Cumberland (Sheila.Cumberland@ci.ceres.ca.us); Bismarck Obando; Mike Locke (Mike.Locke@stocktongov.com); Mitzi Ortiz (mortiz@ci.lathrop.ca.us); Mark Lewis (mlewis@ci.chowchilla.ca.us); Steve Williams (swilliams@turlock.ca.us); Sean Scully; Kathy Kilver (Citymanager@atwater.org); Frank Quintero (quinterof@cityofmerced.org); Christian.Clegg@stocktongov.com; citymanager@livingstoncity.com; Jose Antonio Ramirez (jramirez@livingstoncity.com); Michael McHatten (michaelmchatten@angelscamp.gov); Greg Wellmann (gwellman@ci.oakdale.ca.us); Cindy Black (cblack@ci.chowchilla.ca.us); janderson@riverbank.org; Mary Hemminger; Odi Ortiz; mholland@cityofnewman.com; kmclaughlin@ci.manteca.ca.us; jhall@cityofripon.org; maria.hurtado@ci.tracy.ca.us; Kathy Espinoza; Joann Tilton; directordebby@manteca.org; Linda Abid - Cummings ; rchurchilljr@comcast.net; walkerdc@cityofmerced.org; JoAnne Mounce; Stephanie Lopez; gnyhoff@modestogov.com; Davidson, Dana; jfaul@atwater.org; Cindy Heidorn; Randi Johl; Connie Cochran (connie.cochran@stocktongov.com); Mary Kelly; Florence Low (Florence.Low@stocktongov.com); Elbert Holman (Elbert.holman@stocktongov.com); bramblej@cityofmerced.org; Kellie Weaver; Jordan Ayers; Ann Johnston (mayor@stocktongov.com); ckeaten@ci.lathrop.ca.us; Susan Lake; dist2@ci.stockton.ca.us; rwasden@turlock.ca.us; Gary Dickson (Gary.Dickson@stocktongov.com); Jeff Hood; Joe Maestretti (joe.maestretti@stocktongov.com); dwilliams-ridley@modestogov.com; cityclerk@hughson.org; Rad Bartlam; Tim Ogden (togden@cityofwaterford.org); Bob Deis (bob.deis@stocktongov.com); hhesling@cityofescalon.org; Bcota@livingstoncity.com; tmiller@mlode.com; tfoley@modestogov.com; mhernandez@riverbank.org; jridenour@modestogov.com; city@dospalos.org; lcompton@cityofripon.org; ggreeson@cityofgustine.com; admin@cityofwaterford.org; adewerk@ci.ceres.ca.us; citymanager@ci.lathrop.ca.us; citymgr@losbanos.org; diperez@modestogov.com; gcarrington@atwater.org; Kathy.Miller@ci.stockton.ca.us; tmiller@sonoraca.com  
**Subject:** URGENT: LETTERS AND CALLS NEEDED

Please have your Mayor or Council send letters supporting AB 1585 and SB 1498 as well as a letter opposing AB 1627. Please also have them make contact with their legislator urging their legislator to support your city's position.

In brief, AB 1585 is clean up language for AB 1x 26.  
Among other things, AB 1585 provides the follow reliefs:  
Preserves affordable housing funding.  
Ensures loan repayments to help provide local services.  
Preserves asset value and avoids potential "fire sale" phenomenon.

SB 1498 aims to address the unnecessary complexities of annexation as presented in 2011's SB 244. And AB 1627 imposes an overbearing state regulatory framework on city efforts to comply with SB 375. You can find more information in the fact sheets that I have provided.

Text of the bills can be found on the League website [cacities.org](http://cacities.org).

I have attached sample letters as well as talking points.

Please let me know when the letters are sent and any feedback that is received when your legislator is contacted.

Thank you,  
Stephen Qualls  
Central Valley Regional Public Affairs Manager  
League of California Cities

209-614-0118  
Fax 209-883-0653  
[squalls@cacities.org](mailto:squalls@cacities.org)<<mailto:squalls@cacities.org>>

To expand and protect local control for cities through education and advocacy in order to enhance the quality of life for all Californians.

PLEASE DO NOT distribute political campaign advocacy information from public (city hall) computers, on city time, or using public resources, even if it's from your personal email account. If in doubt, check with your city attorney.??

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## **AB 1627 (Dickinson): Imposing Costly Mandates and State Micromanagement on Local Sustainable Development**

### **FACT SHEET**

**AB 1627 imposes an overbearing state regulatory framework on city efforts to comply with SB 375.** This bill would prohibit local governments from issuing local building permits until the building has satisfied standards being developed by the California Energy Commission (CEC) designed to reduce vehicle miles traveled by occupants of residential and nonresidential buildings. Stakeholders, like the League of California Cities, businesses and local government organizations carefully negotiated agreements in order to support the final version of SB 375. Critical to that agreement was the framework whereby the California Air Resources Board (CARB) established a greenhouse gas reduction target for each region. The micromanagement by the state, as presented in AB 1627, is exactly what was specifically excluded from SB 375 so that cities could make planning choices based on the intricacies of their individual communities. Furthermore, one cannot guarantee a reduction in vehicle miles traveled (VMT) making the environmental goal in AB 1627 uncertain.

**AB 1627 adds mandates while local government tools have been depleted.**

Redevelopment was the most powerful tool the state had to promote transit-oriented development, and renovate urban cores. With the devastating loss of redevelopment, local agencies have virtually no tools left to resolve the challenges of infill: cleaning up brownfields; small lot assembly; upgrading sewer, water and other infrastructure to support high-density development; providing affordable housing; and other issues. Saddling these communities with costly mandates at this time is ill considered and will not achieve desired outcomes.

**AB 1627 restricts economic growth at a time when California should be encouraging economic development and job creation.** Local agencies will be prohibited from issuing a building permit until the agency can confirm that the project meets the minimum VMT standards set by the CEC. Overly restrictive and intrusive requirements imposed on new units and their occupants will further exacerbate California's economy by making new construction in the state less marketable and desirable. Furthermore, for those that are not fortunate enough to already own a home, this bill will unfairly impact their future opportunities to purchase or rent housing by dramatically increasing the costs. AB 1627 does not consider the increased costs to the building industry as a result of the mandates of the CEC, or the burden of paying local governments to hire staff to confirm that the development meets the CEC standards.



## **SB 1498 – Encourages Responsible, Financially Sustainable Community Support and Growth**

### **FACT SHEET**

#### **SB 1498 aims to address the unnecessary complexities of annexation as presented in 2011's SB 244.**

Given the complicated nature of what came out of SB 244 and last year's VLF revenue take through SB 89, cities lack the incentives that are critical to responsible community development through annexation. Requiring a city to update its general plan to be inclusive of disadvantaged communities that are within its sphere of influence encroaches on the feasibility of annexing at all by demanding more financial resources to accommodate the populations. Furthermore, SB 244 requires the local agency formation commission (LAFCO) to deny any application by a city to annex a territory that is contiguous to a disadvantaged community unless a second application is submitted for the disadvantaged community. SB 1498 removes the dual application requirement.

#### **SB 244 aimed to provide services to disadvantaged communities, but actually created disincentives to do so.**

While we understand the intentions of SB 244 (Wolk), signed by Governor Brown last year, to provide essential municipal services to disadvantaged communities, the bill actually creates disincentives for cities considering annexation and therefore will neglect disadvantaged communities. SB 1498 aims to relieve cities of some of the burdensome policies recently put into place by SB 244 that now serve as a deterrent to annexing land.

#### **SB 1498 will allow disadvantaged communities to have access to essential municipal services.**

SB 1498 allows cities to provide much needed services to disadvantaged communities without the requirement to annex territory. This measure would strike a balance by allowing LAFCOs to approve the extension of services beyond an agency's sphere of influence that would limit "sprawl" but still provide services to existing residents in disadvantaged communities.

#### **Without SB 1498, annexed lands will be at risk.**

Requiring a city to annex a disadvantaged community when seeking to annex nearby territory places both annexations at risk. After the passage of SB 89 last year, cities will have little to no resources to support services.

CITY COUNCIL

JOANNE MOUNCE, Mayor  
ALAN NAKANISHI,  
Mayor Pro Tempore  
LARRY D. HANSEN  
BOB JOHNSON  
PHIL KATZAKIAN

# CITY OF LODI

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KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

April 4, 2012

The Honorable Roger Dickinson  
California State Assembly  
State Capitol Building, Room 3126  
Sacramento, California 95814

Via Facsimile: (916) 319-2109

**SUBJECT: AB 1627 - BUILDING PROHIBITIONS / BUILDING STANDARDS  
NOTICE OF OPPOSITION**

Dear Assembly Member Dickinson:

The City of Lodi regrets to inform you of our opposition to AB 1627. This bill would prohibit local governments from issuing local building permits until the building has satisfied standards being developed by California Energy Commission (CEC) designed to reduce vehicle miles traveled (VMT) by occupants of residential and nonresidential buildings.

The City of Lodi has concerns with the following aspects of AB 1627:

- **The intent of AB 1627 unravels carefully negotiated SB 375 agreements and micromanages solutions.** Stakeholders, like the League of California Cities, businesses and local government organizations carefully negotiated agreements in order to support the final version of SB 375. Critical to that agreement was the framework whereby the California Air Resources Board (CARB) established a greenhouse gas reduction target for each region. After CARB confirms that a plan will achieve its target, regions and their local governments are provided complete flexibility to craft local approaches and strategies that would achieve the target. State micromanagement was specifically excluded from the measure. The stated intent of AB 1627 is to *"ensure that the promise of SB 375 is realized."* By attempting to impose an overbearing state regulatory framework on all new development, this measure undermines that delicate balance.
- **Adds mandates while local government tools have been depleted:** Redevelopment was the most powerful tool the state had to promote affordable housing, transit-oriented development, and renovate urban cores. With the devastating **loss** of redevelopment, local agencies have virtually no tools left to resolve the challenges of infill: cleaning up brownfields; small lot assembly;

upgrading sewer, water and other infrastructure to support high-density development; providing affordable housing; and other issues. Saddling these communities with costly mandates at this time is ill considered and will not achieve desired outcomes.

- **Restricting economic growth:** Local agencies will be prohibited from issuing a building permit until the agency can confirm that the project meets the minimum VMT standards set by the CEC. Overly restrictive and intrusive requirements imposed on new units and their occupants will further exacerbate California's economy by making new construction in the state less marketable and desirable.
- **Costs imposed on individuals not a factor:** In previous regulatory efforts the CEC was charged with balancing the cost of a new energy efficiency standard against the lifecycle cost imposed on the individual. That is not the case for AB 1627. AB 1627 requires the CEC to determine the feasibility and attainability of the standards based on the economic, social and environmental costs for the "state as a whole" not the costs to individuals or businesses that may be particularly detrimentally impacted by the requirements.

For these reasons, the City of Lodi opposes AB 1627.

Sincerely,

JoAnne Mounce  
Mayor

C: Joanna Gin, Business, Professions and Consumer Protection Committee  
(916-319-3739)  
Ted Blanchard, Business, Professions and Consumer Protection Committee  
(916-319-3902)  
Kirstin Kolpitcke, League of California Cities (916-658-8240)  
Stephen Qualls, League of California Cities

CITY COUNCIL

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KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

April 4, 2012

The Honorable Tom Berryhill  
California State Senate  
State Capitol Building, Room 3076  
Sacramento, California 95814

Via Facsimile: (916-327-3523)

**SUBJECT: SB 1498 (EMMERSON). LOCAL AGENCY FORMATION COMMISSION:  
POWERS. NOTICE OF SUPPORT**

Dear Senator Berryhill:

The City of Lodi is pleased to support SB 1498 (Emmerson), which would allow local agencies to provide much needed services to disadvantaged communities without the requirement to annex territory.

Requiring cities to annex a disadvantaged community when seeking to annex nearby territory places both annexations at risk. Last year, cities lost \$130 million in city general fund dollars under SB 89. In the past, a share of this money went to cities that annexed inhabited territories based on the number of inhabitants in the territory. This bump in revenue went towards the enormous costs of providing services to a newly annexed territory. The **loss** of this revenue means that there is even less of an incentive for cities to expand their boundaries.

SB 1498 would give local governments an alternative to annexing territory by authorizing an extension of services. This additional tool would provide disadvantaged communities an opportunity to benefit from services that they have not received in unincorporated territories, while at the same time give communities the autonomy to avoid the restrictions of city life. This measure strikes a balance between the undue burdens cities face when annexing territories and addressing service deficiencies in disadvantaged communities.

SB 1498 would remove the barriers to annexations, while at the same time authorizing LAFCOs to approve the extension of services beyond an agency's sphere of influence provided that the LAFCO makes specific findings. The bill is designed to address the problem of disadvantaged communities, in a more surgical manner.

For these reasons, the City of Lodi supports SB 1498.

Sincerely,

JoAnne Mounce  
Mayor

C: The Honorable Senator Bill Emmerson (916-327-2187)  
Kirstin Kolpitcke, League of California Cities (916-658-8240)  
Stephen Qualls, League of California Cities  
Governor Jerry Brown (916-558-3177)